

Alexandria Daily Advertiser.

Vol. VII.]

SATURDAY, SEPTEMBER 12, 1807.

[No. 2016.

SALES AT VENDUE.

On every Tuesday and Friday,

WILL BE SOLD,

AT THE VENDUE STORE,

Corner of Prince and Water streets,
Variety of Dry Goods, Groceries, &c.

Principals of which will be expressed in

the bills of the day.

ALL kinds of goods which are on hand,
and the prices of which are established,
can at any time be viewed and purchased at the
usual limitation and prices.

P. G. Marsteller, v. m.

OYSTERS.

The subscriber has just received a quantity of well-refined OYSTERS, which
persons can be supplied with by the bushel
in the shell or shucked in any quantity, on
application at the Garden.

John Bogan.

Sept. 7.

Two APPRENTICES to the
Biscuit-baking business, will be taken on application to

B. RICKETTS.

September 4.

Twenty thousand lbs.

Porto Rico Green Coffee and
St. Croix Sugars, received per sc. Fletcher
and Riley, from St. Thomas—

For sale by

R. Veitch and Co.

or

C. Powell.

July 21.

A Miller Wanted.

To a Man who understands the
Miller Business, and can produce good
recommendations for industry, sobriety, &c. liberal
wages will be given by applying to

M. MILLER.

June 20.

JAMES SANDERSON

Offers for Sale, on moderate terms,
5000 lbs. best Green Coffee

10 drams fresh Rice

20 lbs fresh Raisins

42 drams green Copperas

5 pipes Cognac Brandy

10 drams 4th proof Jamaica

50 barrels N. E. Rum

25 barrels Whiskey

10 boxes Cotton

5 boxes Cotton and Wool Cards

12 boxes Tin Plates.

AND IN STORE,

25 hds. south Potomac Tobacco.

Alv. H.

District of Columbia.

NOTICE is hereby given to all whom it
may concern, That the Consul General
of France to the United States of America,
has authorized the subscriber, to legalize all
vessels that may be necessary for vessels
bound from the ports of this district to pay in
Columbia or Alexandria.

Those masters of vessels who may omit
having their bills of health thus certified, will
be liable to undergo quarantine.

It is requisite that any article shipped for
account of a Portuguese subject, should be
certified, and sworn to, as Portuguese proper-
ty; and the bills of lading legalized as above.

Lewis Deblous.

May 16.

Twenty-five Dollars Reward.

LIV. 18. 11, sometime in the month of No-
vember or December last,

A NEGRO MAN by the name of SAM-
UEL who was hired in the town of Alexan-
dria to Mr. Robert Smith. He was about 30

years of age, about 5 feet 10 or 11 inches
high, very strait, of rather a yellowish or tan-
ned complexion, stutters a little, has a soft
voice, and generally seems humbold and timid.

He had a wife at Col. Jem-
mison's, in the county of Caroline, and may
perhaps now be lurking in that neighborhood.

I think it more probable he may have
gone to the state of Maryland. If he is taken
in the state of Virginia and brought to me I
will give the above reward; if in the state of
Maryland and brought to me I will give Thir-
ty Dollars reward.

Baldwin M. Lee.

Virginia, Westmoreland

County, July 24.

5. [30] d

NOTICE.

Under the authority of a deed of trust from
Thomas West to the subscriber, to satisfy a
debt due to John Hodgkin's, of seven hundred
and sixty-two dollars forty-two cents—on
SATURDAY the 19th day of September, will be
exposed to public sale, on the premises in Lots containing from 10 to 14 acres—

A Tract of Land, near Alexan-
dria, to the north of the new turnpike road,
and lying on the east of Stump-hill, being one
moiety of a tract of land commonly called
"Pearson's Tract."

The terms of sale will be—One-third cash,
one-third in sixty, and one-third in ninety
days. Conveyances to be made on the receipt
of the last instalment.

R. MOTT.

August 26. dts

Up Sale to begin at 12 o'clock.

Valuable Lands for Sale.

In pursuance of a decree of the Honorable the
United States Circuit Court, of the district of
Columbia, for the county of Alexandria, will
be sold, on the premises, on TUESDAY, the
29th day of September next, to the highest
bidder, on a credit of six, twelve, and eighteen
months.

One Moiety of a Tract of Land,
called "ABINGDON," formerly the residence
of Mr. Robert Alexander, lying on the Potomac
and four-mile-creek, and about three miles
above the town of Alexandria, commanding a
handsome view of the Potomac, Alexandria,
Washington City and George-Town, and the
new road to Washington passing nearly through
the center of the tract, which contains five hundred
and fifty-three acres, and is laid off into
fourteen lots of different sizes to accommodate
purchasers, a plat of which may be seen at any
time on application to the subscriber.

Up The sale will commence at 12 o'clock.

Thomas Swain, Comr.

G. Deneale, Comr.

Edmund I. Lee, Comr.

August 25. dts

Public Sale.

In pursuance of a decree of the Superior Court
of Chancery, holden at the Capitol, in Rich-
mond, March 5, 1807, will be sold, on the
premises, on THURSDAY, the first day of
October next, to the highest bidder, for
cash—

A House and Lot—Also, an un-
improved Lot, situated on the north side of
Duke-street, between Columbus and Alfred-
street; the property of Amos Alexander.

Up The sale will commence at 12 o'clock.

Cuthbert Powell, Comr.

Phineas Janney, Comr.

Thomas Janney, Comr.

Sept. 8. dts

Pursuant to a Decree

Of the honorable the circuit court of the
district of Columbia, in a suit depending, in
Alexandria county, in chancery, wherein
Colin Auld, administrator of Robert Milligan,
deceased, is complainant, and William
Wilson, defendant, will be exposed to PUBLIC
SALE, on SATURDAY, the FIFTH day of
SEPTEMBER NEXT, at TEN o'clock in the forenoon, at the coffee-house
in the town of Alexandria, for ready money.

ALL the said William Wilson's right and
title in and to three fourth parts of an
undivided interest in the whole of the lands
heretofore attached to the Keep-Tryst furnace,
being about 1400 acres, with the exception of
the works and 221 acres sold to the government
of the United States, lying in Berkley,
now Jefferson county, near Harper's Ferry.

Charles Lee, Comr.

Tho's Swain, Comr.

August 4. 2awts

By reason of the absence of
the Commissioners, the sale of the a-
bove mentioned property is postponed
until Saturday, the 17th October, at
ten o'clock, in the forenoon, at the
coffee-house, when it will take place.

September 4.

WANTED,

A MILLER who is master of
his business, to take care of a merchant mill.—
For such a one good wages will be given.—
For the person who wants, please apply to
Mr. Joseph Smith, Alexandria.

March 17. d

Land for Sale.

To be sold, on the premises, on Thurs-
day, the 15th of October next, a small
Tract of Land, lying in the county of Fairfax,
containing about one hundred and forty acres.
This land lies about seven or eight miles of
Alexandria and George-Town, has a sufficient
quantity of wood and meadow land and is well
watered: It lies adjoining the seat of Doctor
Henry Rose, and would make a comfortable
retreat for a town family in the sickly season.
Captain Joseph Powell will shew the land to
any person wishing to view it before the day
of sale, when the terms which is expected to
be accommodating, will be made known by
the LEGATEES of Nathan Smith, dec'd.

September 9.

WHEAT.

The highest price given for WHEAT, by
A. LINDO, two doors below Davey's tavern;
who keeps a regular assortment of GROCERIES
and SALT—which he will sell low for
cash, or on the usual terms to punctual customers.

N. B. I want to purchase or hire a stout
Negro Man. A. L.

September 10.

Just Received.

By the brig Louisa, John Macnamara, master,
from Madeira, and for sale by the subscriber,
7 pipes and 12 quarter casks prime London
particular WINE, of the brand of Scott
& Co. fit for immediate use.

James Patton.

August 21.

W. A. L. S. O.

Bills on London for Sale,
Drawn by J. P.

Joseph Mandeville,

Corner of KING and FAIRFAX-STREETS,
ALEXANDRIA.

HAS FOR SALE,

An assortment of WINES, LI-
QUORS, GROCERIES, &c.
Consisting of

MADEIRA

Pet.

Sherry

Lisbon

Malaga

Teneriffe &

Corsica

WINES.

Old St. Estephe Medoc laret, in cases of
one dozen

A few dozen fine old frontinac
Ditto do. best wine bitters

Jamaica and West-India rum

New-England do.

Cognac, Bourdeaux and Naples brandy

Holland and country gin

Schiedam gin in cases

Irish whiskey, very old

70 barrels Pennsylvania rye whiskey

Cider in barrels

White wine and Cider vinegar

Florence oil in flasks

2 hogsheads Havana honey

15 do. choice retailing molasses

Gunpowder

Imperial

Hyson

Young Hyson

Hyson-Skin and

Souchong

TEAS

of good quality.

Muscovado sugars, different qualities

Bengal white do.

Launder and bladders, Philadelphia, Baltimore
and Alexandria.

Leiper's, Garrett's, and Hamilton's snuff
in bottles and bladders.

Macuba and rapé do.

Clover-seed, (Penn. warranted)

Mace; nutmegs; cloves; cassia; pimento;

pepper; ginger; rancid and ground; Cayenne
pepper; refined salt-petre.

Coffee; chocolate; rice; pearl barley;

London and Philadelphia mustard; basket
salt; starch; fig-blue;

CONTINUATION OF
Late Foreign Intelligence.
(Per ship *Sally*, from Liverpool, arrived at
Boston.)

Peace between Russia & France.

BERLIN, July 1.

We have received certain intelligence from the French head-quarters, that according to the terms of the armistice lately concluded, the Russian troops in Pomerania are to remain neutral.

LONDON.

Statesman Office, July 15—2 o'clock. We have this moment received Paris papers to the 8 inst., and Hamburg and Altona papers to the same date. The latter brings the important news of the preliminaries of peace being actually signed between Russia and France. The cordiality and seeming friendship in which the two emperors are represented as living together in the same town, make us apprehensive the interests of this country have not been much consulted in this treaty.

STETTIN, July 2—(at night.)

The preliminaries of peace between France and Russia are signed.

The two emperors have had an interview, and reside in the same town with their respective guards.

This important news was received here this morning, and was brought by one of marshal Brune's aid-de-camp. The letter does not mention the town where the interview took place, but there is every reason to believe it was at Tilsit.

(*Alaile du Nord*, July 7.)

TISSIT, June 25.

The conference of the two emperors of Russia and France took place yesterday, at one o'clock in the afternoon, on a raft in the Nieman, on which gen. Lareboisier, commander of the artillery of the guards, had caused one pavilion to be erected for their imperial majesties and another for their attendants. His majesty the emperor Napoleon, attended by the grand duke of Berg, prince of Neuchatel, marshal Bessieres, grand marshal of the palace, Duroc, and Caulaincourt, marshal of the horse, proceeded to the banks of the Nieman, and went on board the vessel which was to take him to the raft. At the same time the emperor Alexander, with the grand duke Constantine, gen. Bennington, gen. Onwatoft, prince Labanoff, and his first adjutant-gen. count L'eben, put off from the opposite bank.

The two vessels reached the raft at the same time; the two emperors embraced each other on leaving the vessels, and entered the pavilion prepared for them. This conference lasted about two hours; and when it was closed, the attendants of the two emperors were admitted. The emperor Alexander paid handsome compliments to the French officers who attended the emperor Napoleon, and the latter conversed for a long time with the grand duke Constantine, and with gen. Bennington. Both emperors returned afterwards to their vessels.

June 26.

Last night, immediately after the conference was over, prince Labanoff arrived at the French head-quarters. A convention was concluded, that one half of the town of Tilsit is to be considered as neutral. His majesty the emperor Alexander, his retinue and guards, are to take up quarters in the neutral part of the town.

The emperor of Russia intends, we understand, to dine this day with the French emperor; and it is supposed that the king of Prussia will be of the party.

GEN. BENNINGSEN'S DISPATCHES.

Battle of Friedland, &c.

Copies of the dispatches from gen. Benningsen, to the emperor Alexander.

Head-quarters at Wehlau, June 3-15.

The enemy having immediately directed the whole of his force from Heilsberg towards Friedland and Wehlau, with an intention to cut off my army from the Pregel, I humbly beg leave to inform your royal majesty, that I could not form any position at Schippenbeil, but made a forced march to Friedland on the 1-13th instant.

The advanced detachment which I sent forward to occupy that town, found the place at 3 P.M. in the possession of four squadrons of the enemy, which were however driven out immediately.

In order to keep possession of the town, that my troops might rest from their fatigue, I sent some infantry to the left bank of the Alle during the night. But in the morning at break of day, the enemy attacked my advanced posts, and at half after five the cannonade commenced. I therefore sent another division of my army across the river to support the other troops as I had reason to suppose the enemy's van only had come up. The enemy was repulsed at every point, and the troops fought fourteen hours together with the greatest bravery, and proved always victorious. General Oudinot whose division formed the right wing of the enemy, attempted to make an attack with the bayonet, but my left wing eagerly advanced upon him, and destroyed an entire column. Another column was routed. The cavalry of my right wing also made an impetuous and successful attack on the enemy's cuirassiers, pursuing them as far as Heinrichsdorff, which village supported the left wing of the enemy.

At three in the afternoon Bonaparte arrived in person, with the rest of his army and sheltered by a wood, he reinforced his right wing in such a degree, that at 6 when he commenced a fresh attack, and opened upon my left wing a masked battery of forty pieces of cannon, I was under the necessity of resolving to commence my retreat which was effected in the best order, and my rear stopped the whole force of the enemy, until my troops had crossed the Alle. Although my loss during a battle which lasted sixteen hours, and from my army being obliged to file off over a bridge which was exposed to the enemy's artillery, cannot be inconsiderable, the enemy must have lost an equal number at least, since the attack of the bayonet, and that of the cavalry has caused him a great loss, and as in the former we took from him an eagle of the 15th regiment of the line. Nor has the enemy taken any other prisoners but such as were wounded dangerously, and which could not be removed from the town, and only some dismounted pieces of cannon belonging to the regiments, with a few which could not be removed, because the horses attached to them had been shot, fell into his hands. On the other hand all our pieces of camp artillery were got off safe. I am now taking with my army a position behind the Pregel, near Wehlau, causing all the passes of that river as far as Konigsberg and Listerburg to be occupied by my troops, in consequence whereof I have re-opened a communication with general L'Estocq. If the enemy should venture to cross the Pregel, I shall attack him immediately, & the reinforcements which are already on their march, will soon supply my loss, and enable me once more to cope with the enemy.

(Signed)

BENNINGSEN.

ANOTHER DISPATCH.

From the camp at Schillupsehken.

JUNE 5-17.

After the surrender of Konigsberg, my position at Wehlau was no longer tenable, and, having informed general L'Estocq that I should make my retreat on the road of Tilsit, I requested him to follow me. I commenced the retreat yesterday. I am happy, most humbly to inform your royal majesty, that I have this day formed a junction with that general, and that my army, besides, has this day received a reinforcement of 3000 men.

Moreover, the division from Cow, will pass the frontier to-morrow, consequently my loss will not only be replaced in a very short time, but I shall even be stronger than I was before the battle of Friedland.

Thus of all the results of that lost battle the surrender of Konigsberg proves the worst; for unless the enemy pursue me, with too great a superiority of numbers, and provided he allow me sufficient time to draw towards me my reinforcements, I shall directly advance, and I hope to recover from the enemy the advantages which he has obtained.

(Signed)

BENNINGSEN.

NOTE.

I HAVE been appointed by the Honorable Nicholas Fitzhugh, assignee of the estates and effects of William Ramsay and Clement Green, insolvent debtors, within the district of Columbia—All persons to whom they are indebted are requested to present their claims for settlement, and those having debts and effects in their hands belonging to the said insolvents, must pay and deliver them to me, who alone is authorized to receive them.

Noblet Herbert.

Sept. 8.

From the RICHMOND ENQUIRER.

TRIAL

of

COLONEL A. BURR.

(Continued by adjournment and held at the Capitol in the Hall of the house of Delegates,) for High Treason against the U. States.

OPINION

Of the Court on the motion to arrest the evidence. Delivered on

MONDAY, August 31.

[CONTINUED.]

In opening the case it was contended by the attorney for the U. S. and has since been maintained on the part of the prosecution, that neither arms nor the application of force or violence are indispensably necessary to constitute the fact of levying war. To illustrate those positions several cases have been stated, many of which would clearly amount to treason. In all of them, except that which was probably intended to be this case, and on which no observation will be made, the object of the assemblage was clearly treasonable; its character was unequivocal, and was demonstrated by evidence furnished by the assemblage itself; there was no necessity to rely upon information drawn from extrinsic sources, or in order to understand the fact, to pursue a course of intricate reasoning and to conjecture motives. A force is supposed to be collected for an avowed treasonable object, in a condition to attempt that object, and to have commenced the attempt by moving towards it. I state these particulars because although the cases put may establish the doctrine they are intended to support, may prove that the absence of arms, or the failure to apply force to sensible objects by the actual commission of violence on those objects, may be supplied by other circumstances, yet they also serve to show that the mind requires those circumstances to be satisfied that war is levied.

Their construction of the opinion of the supreme court is, I think, thus far correct. It is certainly the opinion which was at the time entertained by myself, and which is still entertained. If a rebel army avowing its hostility to the sovereign power, should front that of the government, should march and counter-march before it, should manoeuvre in its face, and should then disperse from any cause whatever without firing a gun, I confess I could not without some surprise, hear gentlemen seriously contend that this could not amount to an act of levying war. A case equally strong may be put with respect to the absence of military weapons. If the party be in a condition to execute the purposed treason without the usual implements of war, I can perceive no reason for requiring those implements in order to constitute the crime.

It is argued that no adjudged case can be produced from the English books where actual violence has not been committed.

Suppose this were true. No adjudged case has, or it is believed, can be produced from those books in which it has been laid down, that war cannot be levied without the actual application of violence to external objects. The silence of the reporters on this point may be readily accounted for. In cases of actual rebellion against the government, the most active and influential leaders are generally most actively engaged in the war, and as the object can never be to extend punishment to extermination, a sufficient number are found among those who have committed actual hostilities, to satisfy the avenging arm of justice. In cases of constructive treason, such as pulling down meeting houses, where the direct & avowed object is not the destruction of the sovereign power, some act of violence might be generally required to give to the crime a sufficient degree of malignity to convert it into treason, to render the guilt of any individual unequivocal.

But Vaughan's case is a case where there was no real application of violence, and where the act was adjudged to be treason. Gentlemen argue that Vaughan was only guilty of adhering to the king's enemies but they have not the authority of the court for the saying. The judges unquestionably treat the crusing of Vaughan as an act of levying war.

The opinions of the best elementary writers concur in declaring, that where a body of men are assembled for the purpose of making war against the government, and are in a condition to make that war, the assemblage is an act of levying war. These opinions are contradicted by no adjudged case and are supported by Vaughan's case. This court is not inclined to controvert them.

But although in this respect the opinion of the supreme court has not been made understood on the part of the prosecution, that opinion seems not to have been fully adverted to in a very essential point, in which it is said to have been misconceived by others.

The opinion I am informed has been construed to mean, that any assembly, whatever for a treasonable purpose, whether in force or not in force, whether in a condition to use violence or not in that construction, is a levying of war. It is this construction which has not indeed been expressly advanced at the bar, but which is said to have been adopted elsewhere, than the court deems it necessary to examine.

Independent of authority, trusting only to the dictates of reason, and expounding terms according to their ordinary signification, we should probably all concur in the declaration that war could not be levied without the employment and exhibition of force. War is an appeal from reason to the sword, and he who makes the appeal evinces the fact by the use of the means. His intention to go to war may be proved by words, but the actual going to war is a fact which is to be proved by open deed. The end is to be effected by force, and it would seem that in cases where no declaration is to be made, the state of actual war could only be created by the employment of actual force or being in a condition to employ it.

But the term having been adopted by our constitution, must be understood in that sense in which it was universally received in this country, when the constitution was framed. The sense in which it was received is to be collected from the most approved authorities of that nation from which we have borrowed the term.

Lord Coke says, that levying war against the king was treason at the common law. "A compassing or conspiracy to levy war, he adds, is no treason, for there must be levying war in fact." He proceeds to state cases of constructive levying war, where the direct design is not to overthrown the government, but to effect some general object by force. The terms he employs in stating these cases, are such as indicate an impression on his mind, that actual violence is a necessary ingredient in constituting the fact of levying war. He then proceeds to say, "an actual rebellion or insurrection is a levying of war within this act." If any with strength and weapons invasive and defensive doth hold and defend a castle or fort against the king and his power, this is levying of war against the king." These cases are put to illustrate what he denounces "a war in fact." It is not easy to conceive "an actual invasion or insurrection" unconnected with force, nor can "a castle or fort be defended with strength & weapons invasive and defensive" without the employment of actual force. It would seem then to have been the opinion of lord Coke, that to levy war there must be an assemblage of men in a condition and with an intention to employ force. He certainly puts no case of a different description.

(To be continued.)

Latest Proceedings.

A more particular account of the proceedings on

FRIDAY, September 4.

Colonel Burr renewed the subject of the two letters from general Wilkinson, to the President of the United States, one of the 21st of October, 1806, and the other of the 12th of November of the same year, for the production of which a writ of subpoena *ad testificandum* had been awarded. He said that he had a right to process of contempt, but as this mode of proceeding would be very unpleasing and must necessarily produce delay, it might perhaps be avoided by obtaining a copy of that of the 21st of October, which was said to have been lost or mislaid, if such copy could be satisfactorily authenticated. With respect to the letter of the 12th of November which was stated to contain confidential communications from general Wilkinson to the President, and which the attorney for the United States had expressed a willingness to produce, with the exception of those parts which were said to be confidential, he was not at present disposed to accede to the production. He had reason to believe that the whole letter had been shown without disguise to others and had been used against him.

Mr. Hay said, that he could assure the court, that the letter had never been seen by any human being to his knowledge, except the person to whom it was addressed, the counsel for the United States, the chief justice, and some of colonel Burr's

counsel, to whom it was communicated with a view to arrangement with the grand jury.

Colonel Burr said explicit. He would a grand jury.

Mr. Hay. I do not the original or a copy w the grand jury. I believe not. But I am not so what passed with the other gentlemen are.

Mr. Duncan was sw the copy of the 1st of October, he said it was of captain Walter Bur general Wilkinson on; that he was intimate and knew his hand well.

Mr. Hay said that he on affidavit, if required the original. Mr. Ross said him that he had sent a large packet had been now been able to find.

Mr. Botts moved for to be directed to a duodecim of the original November, 1806, when he denied the movement to withhold the

Colonel Burr said such only as affected him. But if a man thought himself guilty of a great no protection.

Mr. Hay declares, to expose so much of to colonel Burr himself whether it would be in his view those parts produce controversy but may occur in which the government may be even among the officers that it may become the citizens to inform. That all that belongs to him would put it in his of the letter for the was satisfied it would not forward as the friend been decoyed, even. But, in truth, the person which he was unwillingly opinions of to certain persons, have changed; as them he knew they were two passages could not consent but they were exhortation circumstances. He go to jail than exposed.

Mr. Wickham ob sentiment of despair it only remained to an exertion of its delicacy, it was well sufficient to suppress evidence. He instance the case in which compelled to give a clear nature, and they had solemnly perjured. But these parts to be suppressed, importance to the king shall have deservedly high in the government and people lessened his credibility.

Chief Justice. *ad testificandum* is some motion, but it is made of course upon the party. An argument calling for the paper which it was awarded.

The writ of subpoena *ad testificandum* issued accordingly on the next day and made the return in

On this respecting the opinion of the court has not been fully made out to have been fully and very essential point in have been misconceived.

Colonel Burr said he would be more explicit. He would ask whether the letter or a copy had not been produced to the grand jury.

Mr. Hay. I do not know that either the original or a copy were ever laid before the grand jury. I believe that they were not. But I am not so well acquainted with what passed with the grand jury as some other gentlemen are.

Mr. Hay said there could be no doubt of the accuracy of the copy. Before he was certain that he had the original letter of the 12th November he obtained a copy from General Wilkinson, which he found, in comparison, was correct in the most material particulars. He mentioned this circumstance merely to show the strong probability that the copy of the letter of the 21st of October might be relied upon as equally correct.

Mr. Duncan was sworn. — On inspecting the copy of the letter of the 21st of October, he said it was in the hand writing of Captain Walter Buring, aid-de-camp to General Wilkinson on the Sabine expedition; that he was intimately acquainted with that gentleman, had often seen him write, and knew his hand writing well.

Mr. Hay said that he was willing to state on affidavit, if required, that he had not the original. Mr. Rodney had informed him that he had sent all the letters. A large packet had been received, but he had not been able to find this particular one.

Mr. Botts moved for a *subpoena duces tecum* to be directed to Mr. Hay for the production of the original letter of the 12th November, 1806, which then lay before him. He denied the right of the government to withhold the paper.

Colonel Burr said that state secrets were such only as affected the public at large. — But if a man thought proper to make a denunciation of individual characters, he had been guilty of a great offence and deserved no protection.

Mr. Hay declared, that he was willing to expose so much of the letter as related to Col. Burr himself. But he enquired whether it would be right to exhibit to public view those parts which would tend to produce controversy between others. Cases may occur in which the disaffection to the government may be such, and so extensive even among the officers of the government, that it may become the duty of private citizens to inform. The accused may have all that belongs to his defence; but he never would put it in his power to make use of the letter for the purposes to which he was satisfied it would be applied. He could not see why Col. Burr should step forward as the friend of those who had been denounced, even if there were such.

But, in truth, the passages of the letter which he was unwilling to expose, were merely opinions of the writer with respect to certain persons, which opinions may have changed; as it related to some of them he knew they had changed. There were two passages in the letter which he could not consent should be seen unless they were extorted by the court. He did not know that he would yield under any circumstances. He would, indeed, rather go to jail than expose them.

Mr. Wickham observed, that after the arguments of defense which had been uttered by the gentlemen on the other side, it only remained to apply to the court for an exertion of its authority. Motives of delicacy, it was well settled, were not sufficient to suppress evidence which was deemed essential for the purposes of justice. He instanced the case of the Duchess of Kingston, in which certain gentlemen were compelled to give testimony of a most delicate nature, and relative to subjects which they had solemnly promised forever to conceal. But these parts of the letter proposed to be suppressed, may be of the utmost importance to the accused. If Gen. Wilkinson shall have denounced persons deservedly high in the confidence of the government and people, it would materially lessen his credibility in relation to Col.

Chief Justice. The writ of *subpoena duces tecum* is sometimes awarded upon motion, but it is more frequently a matter of course upon the mere suggestions of the party. An argument as to the propriety of calling for the paper for the production of which it was awarded, is reserved for the return.

The writ of *subpoena duces tecum* was accordingly issued, to which Mr. Hay made the return inserted in our last; and on the next day annexed the supplemental

return, which we give in this day's paper.

On this return an animated debate ensued. Mr. Botts and Mr. Wickham spoke on the side of Col. Burr; Mr. M'Rea and Mr. Wirt on the side of the prosecution. Col. Burr also addressed a few observations to the court.

The counsel for Col. Burr contended that it belonged to the accused and his counsel exclusively to judge whether the whole letter would be necessary for the defense or not; that neither the counsel for the U. S. nor the judge himself could in secret, without argument, or a knowledge of the points on which they meant to place the defense of their client, say whether those parts which were deemed confidential, would or would not have an important bearing on the cause; that if certain characters had been calumniated, the authors of that calumny ought to be exposed; that if the denunciations of General Wilkinson were just and merited, it was an act of justice to give to him the laurels which he deserved; that however necessary state secrecy might be in diplomatic affairs, yet in domestic matters it was detectable, because it might furnish pretexts to men in power to work the destruction of any person obnoxious to them, without giving them an opportunity of justifying themselves. They believed these parts of the letter which related to the characters of individuals of the utmost importance to their client; and that the other parts were really unimportant.

The counsel for the U. S. referred to the form of the affidavit filed by Col. Burr, in which he states, that the letter may be of importance to him as a matter of evidence; that no particular ground was stated why the letter would be material, and it was impossible in such a case to detect the person making the affidavit, because there was no point to which it was directed; that if a person might capriciously by a vague affidavit of this kind, extort evidence, no man's private papers would be sacred; that the most confidential papers in his possession might be extorted from his desk, under a pretext that they might be essential for the purposes of justice; that even admitting the passages proposed to be withheld from public view, were really important as it respected the persons alluded to, yet they were of no importance to Col. Burr, nor could they form any part of his defense; that the president having confided to the attorney for the U. S. an exercise of his discretion as to those parts of the letter which were of a confidential nature, and which ought not to be disclosed, and which, I conceive, would not be disclosed by the President himself, if the return were to be made by him.

Mr. Hay here read the following: "Additional return: I hereby certify, that upon a more minute examination of the letter above mentioned, I have observed other passages, which are entirely of a public nature, and which, according to my best judgment, ought not to be disclosed, and which, I conceive, would not be disclosed by the President himself, if the return were to be made by him.

GEORGE HAY.

Mr. Hay then observed that he did not conceive himself at liberty to put this letter into the hands of the defendant; but that he would immediately send an express to Monticello for instructions; and that the return might probably be made by Tuesday evening.

Chief Justice. Is there any objection then to the court's adjourning till Tuesday?

Mr. Martin said that he proposed to bring the case of Israel Smith before the court on Monday.

Mr. Burr observed, that some agreement might be made between his counsel and the prosecution respecting the letter, and that they might go to trial on Monday.

On the application of Mr. Wirt, Doctor Tazewell (Williamsburg) was excused from serving on the jury on account of the indisposition of his friends.

The Chief Justice then observed that the court would meet on Monday; as some arrangement might be in the mean time made, respecting the letter.

Mr. Hay. I can consent to no arrangement but for me to furnish such parts of the letter only as I may deem material to the defense.

Chief Justice. If there any state secrets in that letter, the court would be extremely unwilling to call for its production.

Mr. Martin. Gentlemen need not be so scrupulous, sir, upon this subject: for we can compel the appearance of the President before this court with that letter.

Mr. Hay. Shall I furnish such parts in the mean time as I am disposed to surrender?

Mr. Burr. Yes; under the reservation, that such a step does not impair my right to demand the remainder.

The Ch. Justice then observed, that the court would meet again at half after 2 when he understood that Col. Burr was to give bail on the trial for misdemeanor.

At 3, the court assembled, when Luther Martin and Thomas Langburne were accepted as his securities.

Alexandria Daily Advertiser.

SATURDAY, SEPTEMBER 12.

Yesterday morning the brig of war *Comlumbine*, sent a boat to the pilot boat Brothers, with an officer and five men, who after putting the officer on board the pilot boat, made off and landed on the point of the Hook, where they gave three cheers. The pilot boat then took the officer on board the brig.

N. Y. Merchant, Ad.

For the information of Merchants trading to the Spanish Colonies.

A letter from Havana of the 19th Aug. says, "The preceding is a copy of the royal Cedula, officially published this day, and now in force in every custom house in this island. We shall therefore have to pay hereafter, 38 per cent. on imports, 12 1/2 per cent. on exports and the same tonnage duty as Spanish subjects on their vessels in the ports of the United States."

Wanted to Purchase.

A few shares Alexandria Bank Stock and well-secured Ground rents.

W. M. GROVERMAN.

d2w

PEACHES DISTILLED.

THOSE persons who wish to make FRAGRANT from their peaches, may have it done on the usual allowance, by bringing them to the Brewhouse of

Thomas Cruse.

September 12.

Notice is hereby given,

THAT in consequence of a deed of trust from Henry D. Hoe, late of Prince William county, deceased, to secure the sum of three hundred and eighty-one pounds nineteen shillings and three pence, due to Alexander Smith, of Alexandria, from the said H. D. Hoe—on the first day of the next district court to be held at Hay-Market, in Prince William county, (being the 18th day of next month) I shall proceed to sell to the highest bidder, for ready money, a TRACT of LAND, situate in the county of Fauquier, containing one hundred and fifty acres—which land has on it a mill, a store house, and a comfortable dwelling house, with necessary out houses; is situated about five miles from Hay-Market, and was formerly occupied by Nathan Mathew. The sale will take place at the tavern of Benjamin Brannon, in the town of Hay-Market.

R. YOUNG.

September 12.

ds

ALEXANDRIA THEATRE.

FOR THE BENEFIT OF

Mr. Cross and Mr. Charnock.

ON SATURDAY EVENING, SEPT. 12,

WILL BE PRESENTED,

(NEVER ACTED HERE)

An Historical Play, founded on an interesting fact, during the period of the AMERICAN REVOLUTION,

CALLED THE

GLORY OF COLUMBIA, HER YEOMANRY.

(Performed at the Theatres Philadelphia, New-York and Baltimore, with unbounded applause.)

General Washington,	Mr. Cross.
Arnold,	Mr. Charnock.
Andre,	Mr. Wood.
Bland,	Mr. Cone.
Melville,	Mr. Miller.
Williams,	Mr. Jefferson.
Paulding,	Mr. Charnock.
men who took	Mr. Barnett.
Van Vert,	Major Andre,
Dennis O'Bogg,	Mr. Rutherford.
British Officer,	Mr. Barnett.
American Soldiers,	By Gentlemen of the city.

Children,	Master and Miss Jefferson.
Mrs. Bland,	Mrs. Melmoth.
Honoraria,	Mrs. Wood.
Sally Williams,	Mrs. Woodham.

End of the Play, an INTERLUDE,

CALLED THE

SONS OF APOLLO.

President,	Mr. Wood.
Senior Vice-President,	Mr. Cone.
Junior Vice-President,	Mr. Rutherford.
Harmonies,	Messrs. Jefferson, Cross, Charnock, Gillingham, &c.

The following are the Songs & Glees.

GLEE—"Peaceful Slumbering"—Messrs. Jefferson, Cross, Charnock, Gillingham.

NEW SONG—"The Rose"—Mr. Gillingham.

GLEE—"Sigh no more Ladies"—Messrs. Jefferson, Cross, Charnock, Gillingham.

COMIC SONG—"Captain Wattle & Miss Roe"—Mr. Jefferson.

GLEE—"O! Lady Fair"—Messrs. Jefferson, Cross, Gillingham, Charnock.

NEW SONG—"Down in the Valley"—Mr. Gillingham.

To conclude with the Glees of—"Here's a Health to all Good Lasses."

(The Songs and Glees accompanied on the PIANO FORTE)—By Mr. UPFELDT.

After which, a favorite HORNPIPE, By Mr. McCUBBIN.

The Evening's Entertainments to conclude with a Favorite Farce (not acted this season)

CALLED

Three Weeks After Marriage; OR, What we must All Come To.

The Evening's performance in future will be TUESDAY, THURSDAY and SATURDAY.

Admittance—BOX, ONE DOLLAR—PIT, SEVENTY-FIVE CENTS—GALLERY, FIFTY CENTS.

Tickets to be had at the office, in front of the THEATRE, at Gadsby's Hotel, and at the Office of the Daily Advertiser.

September 11.

WANTED.

A middle aged WOMAN, capable of managing a house. To one of good character, liberal wages will be given.—Enquire of the **PRINTER.**

September 9.

CARRIAGE FOR HIRE.

THE subscriber has provided himself with an elegant Carriage and four good Horses with a careful driver, which he will accommodate the public with on a short notice.

John Hodgkin,

Who continues the HORSE MARKET, and will be happy to serve his friends.

August 29.

lawst.

TO RENT,

THE BRICK HOUSE lately occupied by the subscriber, situate on Duke-street. There is a good kitchen with a pump at the door; smoke-house, stables, and garden. For terms apply to

E. JANNEY.

9th mo. 31.

22W

Valuable Property for Sale.

TO BE SOLD, in four distinct lots or together, four acres of LAND, containing from one and a quarter acre to two acres each, most eligibly situated without the territory of Columbia, extending in a right line from Gibbon-street to Great-Hunting-Creek, intersecting Jefferson, Franklin, and Green-street, and bounding east and west on Fayette and Payne-streets.

A plan of the ground and further particulars may be obtained by application to

James Patton.

June 22.

lawst

JUST RECEIVED,

Per schooner *Patty* from Portsmouth, AND FOR SALE BY

Lawrason & Fowle,

50 tons PLAISTER

100 boxes SOAP

50 boxes Mould and Dipped CANDLES

20 barrels MACKAREL, and

200 boxes Nova Scotia HERRINGS.

August 8

Notice is hereby given,

THAT the subscriber attends at his office on TUESDAY and SATURDAY in every week, agreeable to law, for the purpose of transacting testamentary and all other business appertaining thereto: on which days all persons concerned are required to attend.

Alexander Moore,

Register of Wills for Alex. County.

August 1.

lawst

GREAT BARGAINS.

INTENDING to remove to the state of Tennessee as soon as possible, I wish to dispose of the following valuable and increasing property upon low terms, which property I inherited from my ancestors, who have had a legal title to the same for upwards of one hundred years.

One Tract well known by the name of Abingdon,

Being on the Potowmack river, between Alexandria and Georgetown and nearly opposite the City of Washington, beautifully situated, containing about FOUR HUNDRED acres, now leased to the Mr. Wises for THREE HUNDRED AND SIXTY DOLLARS per annum, with other stipulations contained in said lease.

One other Tract contiguous to the First,

Leased to William Fraser for FORTY DOLLARS per annum, containing about SIXTY acres.

One other Tract, containing Ten Acres of Bottom Land,

Adjoining the Four Mile Mill Tract.

One other Tract contiguous to the Abingdon estate

And within two and a half miles of George Town, containing SEVEN HUNDRED AND TWENTY FIVE acres. The greatest part of this land is heavily covered with Red and White OAK.

A L S O,

Three Thousand Acres on the Scioto River in the state of Ohio.

This tract descended to me from my uncle George Dr. Alexander, being one moiety of the land he was intitled to for his military services during the revolutionary war. All the title papers with the wills under which I am entitled to the above property, are in the hands of *Baldwin Dade*, esq. to whom application will please to be made for terms, &c. he being legally authorized to contract and dispose of all the above valuable property, for which good and satisfactory titles will be given.

WALTER S. ALEXANDER.

August 13.

so

Complete sets of *Salma Gundia* as far as published, or any number to complete broken sets, may be had of

R. GRAY,

Bookseller, King-street.

August 14.

VALUABLE MEDICINES.

The following Valuable Medicines, justly celebrated throughout the United States for their superior efficacy in the cure of the several disorders for which they are recommended, from *Hannah Lee*, Patent Family Medicine Store, New-York, are sold only by the subscriber, at his store in King-street:

Hamilton's Grand Restorative.

Is recommended as an invaluable medicine in the speedy and permanent cure of nervous disorders or such as arise from the immediate use of tea, strong liquors, long residence in warm climates, excessive weakness, and a general relaxation of the system.

Hamilton's Essence and Extract of Mustard.

A safe and effectual remedy for the gout, rheumatism, sprains, pains in the face and neck, &c.

Hamilton's Worm-destroying Lozenges.

By which many thousands have been relieved from the distressing and dangerous malady of worms and other obstructions in the stomach and bowels.

Hamilton's Elixir.

A sovereign remedy for colds, obstinate coughs, asthma, sore throats and approaching consumptions.

Hahn's Anti-bilious Pills.

Are justly esteemed for carrying off the superfluous bile from the stomach and preventing morbid secretions and their consequences, bilious and malignant fevers, &c. These pills are perfectly mild in their operation, and may be used with safety by persons of every age and in every situation.

The Sovereign Ointment for the Itch.

A speedy and effectual remedy, generally removing the complaint at one application. It may be safely used by persons of every age.

The Anodyne Elixir.

For the cure of every kind of head ache.

Hahn's genuine Eye-Water.

An excellent remedy for all disorders of the eyes, many persons having been cured of it when nearly deprived of sight.

Tooth-ache Drops.

Give immediate relief in the most violent attacks.

The Restorative Powder for the Teeth and Gums.

Cleanses and strengthens them, and preserves the enamel of the teeth from decay.

Gowland's Lotion, and the genuine Persian Lotion.

Both celebrated in the fashionable world as most excellent cosmetics and perfectly safe.

Hahn's true and genuine Corn Plaster.

A certain remedy for corns, speedily eradicating them without giving pain.

Ague and Fever Drops.

Justly esteemed for their great efficacy in cure of agues and intermittent fevers.

Damask Lip Salve, and Indian Vegetable Specific.

James Kennedy, sen.

Alexandria, October 18.

From *Luther Martin*, Esq. late Attorney-general of the State of Maryland.

I comply with your request in stating my opinion of Hamilton's Elixir. It has been used in my family for two or three years past, with uniform success, whenever colds, coughs, or similar complaints, have rendered medicine necessary. I have myself found it an excellent and agreeable remedy for a very painful and troublesome affection of the breast, accompanied with soreness, and with obstructed and difficult breathing.

On these accounts, I do not hesitate to recommend Hamilton's Elixir as a valuable medicine, and deserving public attention.

LUTHER MARTIN.

HAMILTON'S ELIXIR

Is recommended as the best remedy for coughs, colds, asthma, hooping-cough, approaching consumptions, and most disorders of the breast and lungs. This preparation will prove a valuable acquisition to public speakers who may be subject to temporary hoarseness, thickness of speech, &c. In long confirmed Asthmatic complaints where a cure can speedily be expected, this medicine affords immediate relief, moderating the fits of coughing, and rendering their recurrence less frequent. On children afflicted with the hooping cough, the like beneficial effects may consequently be expected.

ITCH CURED.

By once using Lee's Sovereign Ointment, which, although used for 20 years in Europe and for near 8 years in America, has never been known to fail in any one instance. It is perfectly innocent, warranted not to contain a particle of mercury or any pernicious ingredient, and may be used with perfect safety on an infant, being a very safe preparation and entirely free from the offensive smell which attends most other remedies.

HAMILTON'S LOZENGES,

Which have cured more children and adults of disorders proceeding from worms, than all the medicines heretofore discovered. In addition to the great cures mentioned in the letters from the chancellor of the state of Maryland, the Rev. Mr. Molthier and others, lately published the following are submitted to the public, being selected for the purpose of shewing the *mild yet powerful* qualities of this extraordinary medicine, which, although so mild in its operation, is competent to expel the formidable tape-worm.

An infant, aged 5 weeks, of Mr. Henry Ewbank, taylor, Charles-street, Baltimore, was dangerously afflicted with convulsion fits, so that his life was despaired of, but was perfectly cured by one dose of Hamilton's Worm Lozenges, which expelled several worms, the undoubted cause of the child's disorder.

Letter from Mr. Ackerman, bricklayer, Magazine street, near Broadway, Jan. 24, 1802.

It would be ungrateful were I to withhold my testimony in favor of Hamilton's Worm Destroying Lozenges. I had been between five and six years past much indisposed, and latterly often tormented with severe griping and pains in the bowels, troubled with offensive breath, with violent feverish fits, and other obvious symptoms of worms; but frequently hearing your Worm Lozenges recommended in cases similar to mine, I determined on a trial of them, as my last resource. The first dose evaevated twelve or 13 feet of a tape worm; two other doses were taken, which brought away a quantity of matter broken like skins and pieces of worms. I suppose the tape-worm, voided at different times, must in the whole have exceeded forty feet. The almost incredible benefit I received from this medicine, induced me to give a dose to a child of mine who was pining and sickly: it produced the same good effect in this instance, expelling a worm of a different kind, from nine to twelve-inches long, and at the same time restoring a good state of health.

HENRY ACKERMAN.

ALSO,
The following new and valuable Medicine, just received and for sale as above.

(Price, Two Dollars per bottle.)

Dr. Tiffot's celebrated Gout and Rheumatic Drops.

NOTHING is of more importance than the preservation of health—this common place remark however is too often forgotten, whilst we are active and strong—and prevention of pain, which is superior to its cure, is not sufficiently attended to by any description of persons. Among those disorders which require the most early and unremitting efforts to eradicate and overcome, none have a stronger claim upon our notice than the Gout, Rheumatism, Lumbago, Weakness of the Joints, Sprains, Glects, the Stone and Gravel, the Cramp and every species of Rheumatic Pains from whatever cause they may have originated—and hence every relief which can be administered is too valuable to be forgotten.—Those persons whose avocations peculiarly expose them to colds, &c. cannot be too anxious always to possess immediate aid. Sea-faring persons, travellers, &c. ought constantly to carry with them that medicine which will counteract the unpleasant effects of their pernicious trades, and especially those pains to which their situation must expose them. To those who reside in or visit the West-Indies, and other warm climates, they will be found upon

trial to convey the most lasting service, and will gradually destroy all tendency to disease in the human frame, and preserve health and vigor. Although a great variety of prescriptions have been published to cure the disorders enumerated above, none has yet equalled the **GOUT AND RHEUMATIC DROPS**.

Dr. TISSOT, which are celebrated throughout the European continent, and whose unbounded benefits are fully authenticated by certificates already published of gentlemen well known in America, being of the first consequence in the state of Maryland: General Charles Ridgely, of Baltimore; John Clegg, Esq. one of the directors of the Farmers' Bank of Maryland; John Macubbish, Esq. Mrs. Macubbish, his wife; and Mrs. Ryan, of Calvert

Certificate of Mr. Thomas Kelloe, butcher.

About three weeks since I was most violently attacked with Rheumatic pains throughout my whole frame, in so severe a manner as to be able to turn in my bed without assistance, proceeding as I suppose from a severe cold.

On being advised by a friend to apply Dr. Tissot's Gout and Rheumatic Drops, I accordingly obtained from the agents Messrs. George Dobbin and Murphy, two bottles, the application of which, under God, have perfectly restored me to health. I am therefore induced with confidence to recommend this medicine as a certain cure for the above disorder.

THOMAS KELLOE.

Baltimore, July 22, 1802.

Certificate of Mr. Thomas Campbell, Barber.

It would be an act of injustice to withhold my testimony of the salutary effects of Doctor Tissot's Gout and Rheumatic Drops, as I have experienced a very unequivocal instance of their virtues and efficacy.

I was afflicted with two severe attacks of what is usually called Dead Palsy, from which I partially recovered but was obliged to use crutches to aid me in walking when I left home; to this were joined violent Rheumatic pains, the result of the affection; and I had feared the disorder would accompany me through life; but providentially was recommended to apply George Dobbin and Murphy's for Dr. Tissot's Drops, and after using only one bottle, found myself perfectly liberated from my disorder, and am now, thank God, as free from pain as if I never had been afflicted.

Finding this medicine operates so powerfully on myself, I determined to apply it internally to my child, a boy only eleven months old, who was then reduced almost to a skeleton with the Bowel Complaint; and administering it four times to him, his complaint was entirely removed, and he is now covering his strength with great rapidity.

TH. CAMPBELL.

Baltimore, July 22, 1802.

JAMES BACON,

At his GROCERY STORE, on King-street, has in addition to his former stock, added

A fresh Supply of Genuine Articles in the Grocery Line;

Which makes his assortment complete.

He now offers for sale, on his usual terms,

Muscovado Sugars, of various qualities,

Loaf and Lump ditto,

Gunpowder, Imperial, Hyson, Young Hyson, Hyson-Skin, and Soochong.

Best green Coffee, Chocolate, of a superior quality.

Madeira, Busellos, Sherry, Lisbon, Teneriffe, Malaga, and Genuine old Port.

TEAS, particularly selected for family use.

Gunpowder, Imperial, Hyson, Young Hyson, Hyson-Skin, and Soochong.

Best green Coffee, Chocolate, of a superior quality.

Madeira, Busellos, Sherry, Lisbon, Teneriffe, Malaga, and Genuine old Port.

WINE.

Cognac and Bourdeaux Brandy,

Old Jamaica Spirit, for family use,

Antigua, St. Croix, St. Vincent, and Eng-

land Rums,